

DIVERSIFIED SOLUTIONS LLC, , and NELNET SERVICING, LLC, alleging that Defendants 1) breached their Servicing Contract with the federal government, of which Plaintiffs were intended third-party beneficiaries; 2) breached the Promissory Notes that set forth the terms of Plaintiffs' federal student loans (or, in the alternative, tortiously interfered with said Notes); 3) violated state law by making fraudulent and negligent representations to borrowers in connection with their federal student loans; and 4) unjustly enriched themselves at the expense of student loan borrowers.

2. Due to health issues, Plaintiff Teri R. Smith is unable to proceed in this action as a Plaintiff or putative class representative. Additionally, Plaintiff Teri R. Smith now lives outside of the country, in Mexico, which has made it extremely difficult and burdensome for Plaintiff's counsel to communicate and obtain necessary discovery responses from Plaintiff Smith or produce her for a deposition in this case.

3. As a result, on February 24, 2020, Plaintiffs' counsel filed a motion for leave to substitute Teri R. Smith and add as Plaintiffs, Andrew Johansson, Emanuel Pickard-Aguilar, Heather Porter, Jon Pearce, Linda Stanley and Anetra Faison. (Dkt. No. 99)

4. The motion further requested that the Court dismiss the individual claims of Plaintiff Teri R. Smith without prejudice. (Dkt. No. 99) The motion for leave to substitute and add new plaintiffs is currently being briefed by the parties.

5. On March 6, 2020, this Court entered an Order requiring Plaintiff Smith to "respond to all outstanding written discovery on or before March 20, 2020." (Dkt. No. 103)

6. On March 20, 2020, Plaintiff Smith terminated the attorney-client relationship with undersigned counsel. Counsel no longer have the authority to respond to the written discovery

directed to Plaintiff Smith. Plaintiff Smith still desires to be dismissed from the litigation without prejudice.

7. Under the circumstances, Counsel is required to request leave to withdraw as Plaintiff Smith's counsel.

8. In order to protect the interests of Plaintiff Smith, Counsel is further requesting a 30 day extension on Plaintiff Smith's March 20, 2020 deadline to respond to the written discovery ordered by the Court.

9. Plaintiff Smith has been informed of Counsel's intent to file the present motion and has assented, via email, to Counsel's request to withdraw their representation of Plaintiff Smith.

10. Finally, as previously stated, Plaintiff Smith resides in Mexico and does not have a permanent address to receive mail there. Plaintiff Smith has indicated that she only uses a P.O. Box for receipt of mail. Counsel has been successful in communicating with Plaintiff Smith through electronic mail. As such, Counsel further requests that this Court permit Counsel to serve the present motion through electronic mail or otherwise provide guidance to Counsel as to how best to comply with their service requirements.

WHEREFORE, Attorneys Daniel A. Edelman and Cassandra P. Miller of Edelman, Combs, Lattuner & Goodwin, LLC, Anthony Fiorentino, of Fiorentino Law Offices, Ltd., and David Domina, of Domina Law Group PC LLC, hereby request that this Court enter an order (1) withdrawing the appearances of Counsel on behalf of Plaintiff Teri R. Smith, (2) permitting Counsel to serve the present motion through electronic mail, and (3) extending Plaintiff Smith's deadline of March 20, 2020 to respond to written discovery by 30 days.

Respectfully submitted,

By: /s/ Cassandra P. Miller
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CERTIFICATE OF SERVICE

I, Cassandra P. Miller, hereby certifies that on March 20, 2020, I caused the foregoing to be filed with the United States District Court for the District of Nebraska using the CM/ECF system, which sent notice via email to all counsel of record.

I further certify that on March 20, 2020, I caused a true and correct copy of the foregoing to be served, through electronic mail, upon Teri Smith, and will provide service to Teri R. Smith by any other means that the Court deems necessary.

s/ Cassandra P. Miller

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